

Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Names of the Claimants

Robert J. Blair
Jeri N. Blair

Case Number: 03-03648

Names of the Respondents

Morgan Stanley DW, Inc., f/k/a
Dean Witter Reynolds, Inc.
Robert Baird
Daniel Carnevale

Hearing Site: Tampa, Florida

Nature of the Dispute: Customer vs. Member and Associated Person.

REPRESENTATION OF PARTIES

For Robert J. Blair and Jeri N. Blair, hereinafter collectively referred to as "Claimants":
Carmen Sessions Scott, Esq., Nexsen Pruet LLC, Charleston, South Carolina.

For Morgan Stanley DW Inc., f/k/a Dean Witter Reynolds, Inc. ("Morgan"), Robert Baird ("Baird") and Daniel Carnevale ("Carnevale"), hereinafter collectively referred to as "Respondents": Jon A. Jacobson, Esq., Greenberg Traurig, P.A., West Palm Beach, Florida.

CASE INFORMATION

Statement of Claim filed on or about: May 14, 2003.

Claimants signed the Uniform Submission Agreement: April 15, 2003.

Statement of Answer filed by Respondents on or about: August 5, 2003.

Respondents did not file executed Uniform Submission Agreements.

CASE SUMMARY

Claimants asserted the following causes of action: violation of federal securities law; breach of contract; common law fraud; constructive fraud through breach of fiduciary duty; negligence and gross negligence; and, unjust enrichment. The causes of action relate to the purchase and sale of LII, ICAB and Intel stock, two Van Kampen growth mutual funds and other unspecified securities products in Claimants' accounts.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

Claimants requested actual damages of \$350,000.00 and rescission together with benefit of the bargain damages, lost opportunity costs, model portfolio damages, management fees, commissions

and markups (and interest thereon), pre-judgment interest, attorneys' fees, costs, punitive damages and such other relief deemed proper and necessary.

Respondents requested that the arbitration panel enter an award in their favor dismissing the claim in its entirety; assessing all forum costs against Claimants; expunging all references to the matter from Respondents Baird and Carnevale's Central Registration Depository ("CRD") disclosures; and, granting Respondents such other and further relief as the arbitration panel deemed just and appropriate.

OTHER ISSUES CONSIDERED AND DECIDED

Respondents did not file with NASD Dispute Resolution properly executed submissions to arbitration but are required to submit to arbitration pursuant to the NASD Code of Arbitration Procedure (the "Code") and, having answered the claim, appeared and testified at the hearing, are bound by the determination of the Panel on all issues submitted.

The parties have agreed that the Stipulated Award in this matter may be executed in counterpart copies.

On or about December 6, 2004, Claimants informed NASD Dispute Resolution that they had withdrawn the case with prejudice.

On or about December 13, 2004, the parties filed with NASD Dispute Resolution an Agreed Motion for Dismissal of all Claims and for the Entry of a Stipulated Award Directing Expungement (the "Motion") and proposed Order Directing Dismissal of all Claims and Expungement.

AWARD

After considering the pleadings, the Motion and the record in this matter, the undersigned arbitrators (the "Panel") have decided in full and final resolution of the issues submitted for determination as follows:

All claims against Respondents are dismissed with prejudice.

The Panel recommends the expungement of all references to the above captioned arbitration from Respondents Baird and Carnevale's public and non-public registration records maintained by the NASD CRD, with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondents Baird and Carnevale must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee = \$300.00

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. In this matter, the member firm is a party.

Member surcharge = \$1,700.00

Pre-hearing process fee = \$750.00

Hearing process fee = \$2,750.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

No adjournment fees were incurred in this matter.

Injunctive Relief Fees

Injunctive relief fees are assessed to each member or associated person who files for a temporary injunction in court. Parties in these cases are also assessed arbitrator travel expenses and costs when an arbitrator is required to travel outside his or her hearing location and additional arbitrator honoraria for the hearing for permanent injunction. These fees, except the injunctive relief surcharge, are assessed equally against each party unless otherwise directed by the Panel.

No injunctive relief fees were incurred in this matter.

Forum Fees and Assessments

The Panel has assessed forum fees for each session conducted. A session is any meeting between the parties and the arbitrator(s), including a pre-hearing conference with the arbitrator(s), that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with a single arbitrator @ \$450.00 = \$450.00

Pre-hearing conference: March 31, 2004 1 session

Number (2) Pre-hearing sessions with the Panel @ \$1,125.00 = \$2,250.00

Pre-hearing conferences: December 19, 2003 1 session

August 6, 2004 1 session

Five (5) Hearing sessions @ \$1,125.00 = \$5,625.00

Hearing Dates: August 10, 2004 2 sessions

August 11, 2004 2 sessions

August 12, 2004 1 session

Total Forum Fees = \$8,325.00

Pursuant to the agreement of the parties, the Panel has assessed \$4,162.50 of the forum fees to Claimants, jointly and severally, and \$4,162.50 of the forum fees to Respondents, jointly and severally.

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services beyond the normal administrative services. These include, but are not limited to, additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

No administrative costs were incurred in this matter.

FEE SUMMARY

Claimants are jointly and severally liable for:

Initial Filing Fee	= \$300.00
Forum Fees	= \$4,162.50

Total Fees	= \$4,462.50
Less payments	= \$1,700.00

Balance Due NASD Dispute Resolution	= \$2,762.50
-------------------------------------	--------------

Respondent Morgan is solely liable for:

Member Fees	= \$5,200.00
-------------	--------------

Total Fees	= \$5,200.00
Less payments	= \$5,200.00

Balance Due NASD Dispute Resolution	= \$0.00
-------------------------------------	----------

Respondents are jointly and severally liable for:

Forum Fees	= \$4,162.50
------------	--------------

Total Fees	= \$4,162.50
Less payments	= \$0.00

Balance Due NASD Dispute Resolution	= \$4,162.50
-------------------------------------	--------------

All balances are payable to NASD Dispute Resolution and are due upon receipt pursuant to Rule 10330(g) of the Code.

ARBITRATION PANEL

Frank Brenner

-

Public Arbitrator, Presiding Chair

George K. Beardsley	-	Public Arbitrator
Reginald R. Garcia	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

_____/S/_____
Frank Brenner
Public Arbitrator, Presiding Chair

Signature Date

_____/S/_____
George K. Beardsley
Public Arbitrator

Signature Date

_____/S/_____
Reginald R. Garcia, Esq.
Non-Public Arbitrator

Signature Date

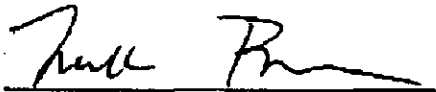
January 5, 2005

Date of Service (For NASD Dispute Resolution office use only)

George K. Beardsley -
Reginald R. Garcia -

Public Arbitrator
Non-Public Arbitrator

Concurring Arbitrators' Signatures



Frank Brenner
Public Arbitrator, Presiding Chair

12-23-04

Signature Date

George K. Beardsley
Public Arbitrator

Signature Date

Reginald R. Garcia, Esq.
Non-Public Arbitrator

Signature Date

Date of Service (For NASD Dispute Resolution office use only)

NASD Dispute Resolution

Arbitration No. 03-03648

Award Page 5

George K. Beardsley

Public Arbitrator

Reginald R. Garcia

Non-Public Arbitrator

Concurring Arbitrators' Signatures

Frank Brenner

Public Arbitrator, Presiding Chair

Signature Date


George K. Beardsley

Public Arbitrator

1-5-05
Signature Date

Reginald R. Garcia, Esq.

Non-Public Arbitrator

Signature Date

Date of Service (For NASD Dispute Resolution office use only)

George K. Beardsley -
Reginald R. Garcia -

Public Arbitrator
Non-Public Arbitrator

Concurring Arbitrators' Signatures

Frank Brenner
Public Arbitrator, Presiding Chair

~~EL ARBITRATION~~
Signature Date

George K. Beardsley
Public Arbitrator

Signature Date

Reginald R. Garcia
Reginald R. Garcia, Esq.
Non-Public Arbitrator

12/29/04
Signature Date

Date of Service (For NASD Dispute Resolution office use only)